

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met at the Tuolumne County Historic Courthouse, Department One, 41 W. Yaney Avenue, Sonora, California at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Lisa J. Prosser, Deputy Clerk.

F030690 People v. Mower

Parties stipulate that (1) Dibiaso, J. the absent assigned justice participate in the determination of this appeal, and (2) Dibiaso, J. to listen to the tape recording of oral proceedings upon his return.

Cause called and argued by Richard D. Runcie, Esq., counsel for appellant and by Maureen A. Daly, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Vartabedian, J. takes the bench.

F032489 People v. Lecompte

F032515 People v. Gilbert

F034355 In re Timothy Lecompte on Habeas Corpus

Cause called and argued by Joan Isserlis, Esq., counsel for appellant Timothy K. Lecompte; by Elaine Forrester, Esq., counsel for appellant Luanne J. Gilbert and by Brett Morgan, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, November 8, 2000 at 1:45 P.M.

The court reconvened at the Tuolumne County Historic Courthouse, Department One, 41 W. Yaney Avenue, Sonora, California at 1:45 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Lisa J. Prosser, Deputy Clerk.

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F032448 Sentinel Community Bank v. U.S. Risk Underwriters, Inc. et al.

Parties stipulate that (1) Dibiaso, J. the absent assigned justice participate in the determination of this appeal, and (2) Dibiaso, J. to listen to the tape recording of oral proceedings upon his return.

Cause called and argued by Orlie L. Curtis, Esq., counsel for appellant and by Joan E. Cochran, Esq., counsel for respondent(s).

Cause ordered submitted.

At this point Ardaiz, P.J. directs Vartabedian, J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Wiseman, J.

F030208 Griffiths et al. v. Sullivan et al.

Parties stipulate that (1) Dibiaso, J., the absent assigned justice, participate in the determination of this appeal, and (2) Dibiaso, J. to listen to the tape recording of oral proceedings upon his return.

Cause called and argued by William A. Schuckman, Esq., counsel for appellant(s) and by Daniel C. Payne, Esq., counsel for respondent(s).

Submission deferred until Monday, November 13, 2000 for Dibiaso, J. to listen to the tape recording of oral argument.

Court recessed until Wednesday, November 9, 2000 at 10:00 A.M. in its courtroom in Fresno, California.

F033617 People v. Ashby

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F034297 People v. Davis

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE
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F034007 People v. Davis, Jr.
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033863 People v. Mendoza
F033893 People v. Mendoza
F035337 In re Eluid Joseph Mendoza on Habeas Corpus

The petition for writ of habeas corpus is granted as follows. The trial court is directed to cause to be prepared an amended abstract of judgment indicating that Mendoza is awarded, in case No. 43362, 162 days actual time credits and 80 days conduct credits, for a total of 242 days presentence credits, in addition to the credits previously awarded in case No. 40938. The trial court is further directed to forward a copy of the amended abstract of judgment to the Director of Corrections.

On the appeal, the judgment, with the exception of the award of presentence credits, is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034079 People v. Rundell
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033579 Berry v. Golden Eagle Insurance Corporation et al.
The judgment is affirmed. Respondents are awarded their costs on appeal.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F024699 In re Brian D., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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IN AND FOR THE
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F033547 People v. Cowan

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.